



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/702,092 | 11/06/2003 | Tatsuo Miyaji | 040894-5974 | 8022 |

9629 7590 07/05/2005

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER

GLEITZ, RYAN M

ART UNIT PAPER NUMBER

2852

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/702,092 | MIYAJI ET AL. | |
| | Examiner | Art Unit | |
| | Ryan Gleitz | 2852 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 8,9 and 13-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/06/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election of Species I in the reply filed on 2 May 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Applicant submits claims 1-12 read on Species I. However, only claims 1-7 and 10-12 read on Species I.

Drawings

Figure 22 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Art Unit: 2852

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The disclosure is objected to because of the following informalities: on page 4, line 22 "Patent Document 1" is unclear.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohashi (JP 06-247569).

Ohashi discloses an image forming apparatus including an image forming portion (103) configured to form a visible image on a recording sheet; and a sheet storing portion (1100) configured to store a plurality of recording sheets and sequentially feed recording sheets to the image forming portion (103).

A sheet tray (1050) storing a stack of recording sheets is provided in the sheet storing portion such that the sheet tray is movable in the horizontal direction relative to the main body of the apparatus. Figures 1 and 11 show that the tray can be drawn from the two direction (abstract, line 18), which reads on the sheet tray is movable in any of two directions substantially orthogonal to each other.

Art Unit: 2852

Regarding claim 2, figure 2 shows a sheet tray (1082) is provided in a tray pullout frame that is movable in one direction relative to the main body of the apparatus; and the sheet tray (1082) is movable in a direction, in the direction of reference numeral 61, substantially orthogonal to the direction in which the pullout frame is pulled out relative to the main body of the apparatus.

Regarding claim 3, figure 2 also shows handle units in each direction, coupled with the sheet tray and is movable in the horizontal direction. When the tray pullout frame is pulled out, the sheet tray and the handle unit are disengaged.

Regarding claim 4, the sheet tray (1082) is movable in both directions.

Regarding claims 5 and 11, the apparatus of figures 1 and 2 must include a transport path similar to that of figure 27, which illustrates a transport path that transports recording sheets sequentially fed from the sheet storing portion to the image forming portion, wherein: a plurality of the sheet trays and tray pullout frames are both placed on each other in the vertical direction, and the direction in which the tray pullout frame is pulled out coincides with the direction in which the recording sheets are fed; and the transport path is provided so that a recording sheet fed from one sheet tray is penetrated through the tray pullout frames storing the other trays in the vertical direction.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2852

Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi (JP 06-247569) in view of Ishihara (JP 03-079519).

Ohashi discloses the image forming apparatus above, but does not disclose that the front of the tray pullout frame is openable.

However, Ishihara disclose a similar image forming device including a door (8) that opens to expose the transport path in the direction the pullout frame is pulled out.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the pullout frame of Ohashi to be openable based on the teaching of Ishihara to include an opening door in the direction the frame is pulled out so that jammed paper can be removed with ease. See abstract.

Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi (JP 06-247569) in view of Ishio et al. (JP 2000-122362).

Ohashi discloses the image forming apparatus above including an operation panel as shown by figure 1, but does not disclose that the direction of the operation unit is settable.

However, Ishio et al. disclose an image forming device in which operation panel board (6) is made changeable in the direction about perpendicular axis O, which is selectable among a plurality of directions. See abstract.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the image forming apparatus of Ohashi with the operation panel board taught by Ishio et al. to enhance the operability of the image forming device by improving its structure provided with an operation body and display of an image forming device. Abstract, lines 1-3.

Art Unit: 2852

Allowable Subject Matter

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

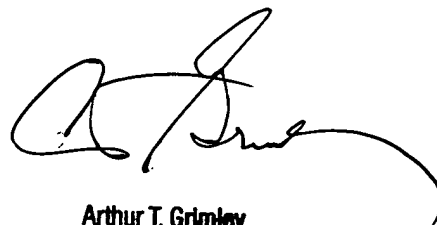
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Gleitz whose telephone number is (571) 272-2134. The examiner can normally be reached on Monday-Friday between 9:00AM and 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


rg



Arthur T. Grimley
Supervisory Patent Examiner
Technology Center 2800